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Date: 09/13/01To: Ms. Emily A. House

(Name)

Whedby and Patterson

(Organization)

(615) 242-2221

(FAX Number)

From: M. CEPERLEY

(Name)

(703) 308-4239

(Telephone Number)

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To: Ms. Emily Shouse
Re: PCT/US01/16947 (VU0178 N7366)

September 13, 2001

Ms. Shouse:

Before I can address the Lack of Unity of Invention and prepare a Search Report for this case, I need to establish a starting point for sorting out the inventions in this application. I am not at this point suggesting any claim amendments but I do need the following information from you for clarification in order to proceed. Your appropriate response will allow me to proceed with the establishment of a lack of unity and a search of this case.

- 1) In claim 1, I will presume that R3 is, in fact, the terminal group on the structure (1b) i.e. Y does not exist. However, I need you to provide me with some sort of a definition of X; otherwise the structure of claim 1 is an unsearchable fragment.
- 2) Similarly, a definition of R will need to be indicated for the compounds of claim 6 (which otherwise are unsearchable fragments).
- 3) The "compound" of claims 15-19 is not the same as the "nanocrystal compound" of claim 7 (from which it depends) which must have a nanocrystal attached. Please clarify.
- 4) It is not clear if the "compounds" of claims 20-22 are meant to be fragments i.e. contain open points of attachment, or whether the open points are meant to be methyl groups. Please clarify.
- 5) Please advise as to how claims 23 and 24 are related to the remainder of the claims. For example, the compounds of claims 23 and 24 do not contain any thiol residue which would be required for the linker arms of claim 1 (R3 contains a -SH moiety). Are these compounds intermediates?

Aug. 16th
Thank you for your help. An informal response would be fine.

Mary E. (Molly) Ceperley *MEC*
Primary Exr. AU 1641
(703) 308-4239
Fax direct to my desk: (703) 746-5240

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